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FIFTY-SEVENTH LEGISLATURE

**FORTY-SEVENTH LEGISLATIVE DAY
FRIDAY, FEBRUARY 21, 2003**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10:45 a.m.

Roll call showed all members present except Senator Bailey, absent and formally excused by the Chair; and Senators Burtenshaw, Calabretta, Cameron, Darrington, Hill, Keough, Lodge, Marley, McKenzie, Noh, Pearce, and Richardson, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Susan Blaisdell, Page.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Noh was recorded present at this order of business.

February 21, 2003

The JUDICIARY AND RULES Committee reports that **S 1124, S 1125, S 1126, SCR 105, SJM 102, and SJM 103** have been correctly printed.

DARRINGTON, Chairman

S 1124 was referred to the Agricultural Affairs Committee.

S 1125 was referred to the Commerce and Human Resources Committee.

S 1126 was referred to the Judiciary and Rules Committee.

SCR 105, SJM 102, and SJM 103 were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 20, 2003

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1051** with the recommendation that it do pass.

ANDREASON, Chairman

S 1051 was filed for second reading.

February 20, 2003

The TRANSPORTATION Committee reports out **S 1064, S 1078, S 1079, S 1081, and S 1082** with the recommendation that they do pass.

INGRAM, Chairman

S 1064, S 1078, S 1079, S 1081, and S 1082 were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senators Hill, McKenzie, and Pearce were recorded present at this order of business.

February 20, 2003

Mr. President:

I transmit herewith **H 92** which has passed the House.

JUKER, Chief Clerk

H 92 was filed for first reading.

February 20, 2003

Mr. President:

I transmit herewith Enrolled **H 3**, as amended, and **H 72** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 3**, as amended, and **H 72** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Burtenshaw, Calabretta, Darrington, Keough, Lodge, and Richardson were recorded present at this order of business.

The President announced the Agricultural Affairs Committee report relative to the Gubernatorial appointment of David Bennett, having been held, was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Noble, seconded by Senator Stennett, the Gubernatorial appointment of David Bennett as a member of the Idaho Food Quality Assurance Institute was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

H 92, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1115, S 1094, S 1095, and S 1096, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

H 219, by Judiciary, Rules and Administration Committee, was read the second time at length and filed for third reading.

H 111, as amended, and **H 147**, by State Affairs Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senators Cameron and Marley were recorded present at this order of business.

The President Pro Tempore announced that **S 1048**, having previously been read the third time at length and debate having previously been opened, was before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and resumed debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Ellis (Malepeai), Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Bailey. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1048** passed, title was approved, and the bill ordered transmitted to the House.

The President Pro Tempore called Senator Darrington to the Chair.

H 89, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Ellis (Malepeai), Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Bailey. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 89**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 142 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Ellis (Malepeai), Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Bailey. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 142** passed, title was approved, and the bill ordered returned to the House.

S 1039 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Ingram, Keough, Little, Lodge, Marley, McKenzie, McWilliams, Noble, Pearce, Richardson, Sorensen, Stegner, Sweet, Williams. Total - 25.

NAYS--Burkett, Calabretta, Ellis (Malepeai), Hill, Kennedy, Noh, Schroeder, Stennett, Werk. Total - 9.

Absent and excused--Bailey. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1039** passed, title was approved, and the bill ordered transmitted to the House.

S 1041 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McWilliams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Ellis (Malepeai), Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Lodge, Marley, McWilliams, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk, Williams. Total - 29.

NAYS--Little, McKenzie, Noble, Pearce, Sweet. Total - 5.

Absent and excused--Bailey. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1041** passed, title was approved, and the bill ordered transmitted to the House.

S 1042 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Calabretta arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Compton, Ellis (Malepeai), Gannon, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Marley, McKenzie, McWilliams, Noh, Richardson, Schroeder, Stegner, Stennett, Werk, Williams. Total - 25.

NAYS--Cameron, Darrington, Davis, Geddes, Hill, Noble, Pearce, Sorensen, Sweet. Total - 9.

Absent and excused--Bailey. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1042** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Ingram, granted by unanimous consent, **S 1043** retained its place on the Third Reading Calendar until February 25, 2003.

The Senate advanced to the Fourteenth Order of Business.

General Calendar

The Acting President declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the Acting President called the Senate to order.

Report of the Committee of the Whole

Senator Stegner, Chairman of the Committee of the Whole, reported out **S 1067** without amendment and with the recommendation that it be returned to the Third Reading Calendar; **S 1038** without amendment and with the recommendation that it be referred to the Second Reading Calendar; and **S 1108** and **S 1053** without recommendation, amended as follows:

SENATE AMENDMENT TO S 1108

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 6, following "action" insert: "in the small claims department of the magistrate's division pursuant to the provisions of chapter 23, title 1, Idaho Code."

AMENDMENTS TO SECTION 2

On page 2, in line 43, delete "Any fee agreement entered into by a public agency"; delete line 44; in line 54, delete "Within ten (10) days of such ini-"; on page 3, delete lines 1 and 2 and insert: "At least one (1) notice sent pursuant to this subsection shall be in writing and shall state:"; and delete lines 4 through 7 and insert:

"(ii) That unless the debtor, within thirty (30) days after receipt of notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the public agency;

(iii) That if the debtor notifies the public agency in writing within the thirty (30) day period that the debt, or any portion thereof, is disputed, the public agency will obtain verification of the debt and a copy of such verification will be mailed to the consumer by the public agency; and".

CORRECTION TO TITLE

On page 1, in line 3, following "ACTIONS" insert: "IN THE SMALL CLAIMS DEPARTMENT OF THE MAGISTRATE'S DIVISION".

SENATE AMENDMENT TO S 1053

AMENDMENT TO SECTION 1

On page 3 of the printed bill, in line 6, following "system" insert: " , subject to the following restrictions as to lengths of cargo-carrying units:

(a) Truck tractor and two (2) trailing units 95 feet.

(b) Truck tractor and three (3) trailing units 95 feet.

(c) Truck and two (2) trailing units 98 feet".

CORRECTION TO TITLE

On page 1, in line 4, following "INSTANCES" insert: "AND TO PROVIDE RESTRICTIONS AS TO LENGTH OF CARGO-CARRYING UNITS".

The Committee also has **H 52** and **H 113** under consideration, reports progress, and begs leave to sit again

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Stennett, the report was adopted by voice vote.

S 1067 was returned to the Thirteenth Order of Business, Third Reading of Bills.

S 1038 was referred to the Twelfth Order of Business, Second Reading of Bills.

S 1108, as amended, and **S 1053**, as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:10 p.m. until the hour of 10:45 a.m., Monday, February 24, 2003.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary